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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                  BURT BOBBY DANIELS,

11                  Plaintiff,

12                  v.

13                  LIN-MARIE NACHT, *et al.*,

14                  Defendants.

15                  CASE NO. C09-1184-RSL

16                  ORDER DISMISSING ACTION AND  
17                  DENYING *IN FORMA PAUPERIS*  
18                  APPLICATION AS MOOT

19                  The Court, having reviewed plaintiff's complaint, plaintiff's application to proceed *in forma*  
20                  *pauperis*, the Report and Recommendation of the Honorable James P. Donohue, United States  
21                  Magistrate Judge, and the remaining record, does hereby find and ORDER:

22                  (1)     The Court adopts the Report and Recommendation.  
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24                  (2)     This action is DISMISSED.  
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26                  (3)     Plaintiff's application to proceed *in forma pauperis* is DENIED as moot.

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1                     (4) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable  
2                     James P. Donohue.

3                     DATED this 20th day of October, 2009.

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6                     Robert S. Lasnik  
7                     United States District Judge

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